

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of Verizon California Inc. for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in California Pursuant to Section 252 of the Communications Act of 1934, as Amended, and the *Triennial Review Order*.

Application 04-03-014
(Filed March 10, 2004)

Application of Pacific Bell Telephone Company, d/b/a SBC California for Generic Proceeding to Implement Changes in Federal Unbundling Rules Under Sections 251 and 252 of the Telecommunications Act of 1996.

Application 05-07-024
(Filed July 28, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING SOLICITING COMMENTS ON
CONSOLIDATION OF TWO ARBITRATION PROCEEDINGS**

The two proceedings captioned above have not yet been consolidated, but in this Ruling, I am exploring the possibility to consolidating them. Rather than issue two similar rulings, I am sending this single ruling to the service lists of both proceedings so that parties may file a single response.

Verizon California Inc. (Verizon) filed its petition to implement the terms of the Federal Communications Commission's (FCC) *Triennial Review Order*¹ (TRO) on March 10, 2004. The proceeding did not move forward because of litigation relating to the FCC's TRO order. On June 1, 2005, the assigned Administrative Law Judge issued a ruling restarting the clock on the proceeding.

¹ Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, In the Matter of Review of the § 251 Unbundling Obligations of Incumbent Local Exchange Carriers, 18 FCC Rcd 16978 (2003).

Interested parties were ordered to file responses to the Verizon arbitration request and indicate any additional matters they believed required arbitration. Those responses were filed on July 18, 2005.

Similarly, SBC filed an application on July 28, 2005 to implement the terms of the FCC's TRO and *Triennial Review Remand Order* (TRRO) pursuant to the Commission's *TRO Closure Order*. Parties are to file their responses to SBC's filing on September 16, 2005.

While the Verizon arbitration was filed several months ago, it appears to me that the two cases are now at a similar place. Based on the fact that these two matters involve implementation of the same FCC rules for generally the same group of Competitive Local Exchange Carriers (CLECs) with interconnection agreements (ICAs) with Verizon and SBC, they involve similar issues of law and fact. I propose to consolidate the two proceedings for administrative efficiency and implementation consistency. From my initial review, it appears that if there are factual issues to be addressed, they would be similar in both proceedings. If it is determined we need hearings, there would be only *one* set of hearings. At the same time, while the ICA language may vary between Verizon and SBC, the underlying legal issues would generally be the same. Also, I would be able to dispose of the disputed issues in a single order for the Commission's consideration. This would expedite the process for all parties.

IT IS RULED that interested parties should file comments on my proposal to consolidate the two arbitration proceedings by September 12, 2005.

Dated September 1, 2005, at San Francisco, California.

/s/ KAREN A. JONES

Karen A. Jones
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Soliciting Comments on Consolidation of Two Arbitration Proceedings on all parties of record in these proceedings or their attorneys of record.

Dated September 1, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.